

Same statute, etc.

UNITED STATES STATUTES

CONCERNING THE

Registration of Trade-Marks, Prints, and Labels,

WITH THE

RULES OF THE PATENT OFFICE RELATING THERETO.

EDITION OF NOVEMBER 1, 1898.

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TRADE-MARK LAWS

OF

THE UNITED STATES.

AN ACT to authorize the registration of trade-marks and protect the same.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That the owners of trade-marks used in commerce with foreign nations or with the Indian tribes, provided such owners shall be domiciled in the United States or located in any foreign country or tribes, which, by treaty, convention, or law, affords similar privileges to citizens of the United States, may obtain registration of such trade-marks by complying with the following requirements:

First. By causing to be recorded in the Patent Office a statement specifying name, domicile, location, and citizenship of the party applying; the class of merchandise, and the particular description of goods comprised in such class to which the particular trade-mark has been appropriated; a description of the trade-mark itself, with facsimiles thereof, and a statement of the mode in which the same is applied and affixed to goods, and the length of time during which the trade-mark has been used.

Second. By paying into the Treasury of the United States the sum of twenty-five dollars, and complying with such regulations as may be prescribed by the Commissioner of Patents.

SEC. 2. That the application prescribed in the foregoing section must, in order to create any right whatever in favor of the party filing it, be accompanied by a written declaration verified by the person, or by a member of a firm, or by an officer of a corporation applying, to the effect that such party has at the time a right to the use of the trade-mark sought to be registered, and that no other person, firm, or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that such trade-mark is used in commerce with foreign nations or Indian tribes, as above indicated; and that the description and facsimiles presented for registry truly represent the trade-mark sought to be registered.

SEC. 3. That the time of the receipt of any such application shall be noted and recorded. But no alleged trade-mark shall be registered

unless the same appear to be lawfully used as such by the applicant in foreign commerce or commerce with Indian tribes, as above mentioned, or is within the provision of a treaty, convention, or declaration with a foreign power; nor which is merely the name of the applicant; nor which is identical with a registered or known trade-mark owned by another, and appropriate to the same class of merchandise, or which so nearly resembles some other person's lawful trade-mark as to be likely to cause confusion or mistake in the mind of the public, or to deceive purchasers. In an application for registration the Commissioner of Patents shall decide the presumptive lawfulness of claim to the alleged trade-mark; and in any dispute between an applicant and a previous registrant, or between applicants, he shall follow, so far as the same may be applicable, the practice of courts of equity of the United States in analogous cases.

SEC. 4. That certificates of registry of trade-marks shall be issued in the name of the United States of America, under the seal of the Department of the Interior, and shall be signed by the Commissioner of Patents, and a record thereof, together with printed copies of the specifications, shall be kept in books for that purpose. Copies of trade-marks and of statements and declarations filed therewith, and certificates of registry so signed and sealed shall be evidence in any suit in which such trade-marks shall be brought into controversy.

SEC. 5. That a certificate of registry shall remain in force for thirty years from its date, except in cases where the trade-mark is claimed for and applied to articles not manufactured in this country, and in which it receives protection under the laws of a foreign country for a shorter period, in which case it shall cease to have any force in this country by virtue of this act at the time that such trade-mark ceases to be exclusive property elsewhere. At any time during the six months prior to the expiration of the term of thirty years such registration may be renewed on the same terms and for a like period.

SEC. 6. That applicants for registration under this act shall be credited for any fee or part of a fee heretofore paid into the Treasury of the United States with intent to procure protection for the same trade-mark.

SEC. 7. That registration of a trade-mark shall be *prima facie* evidence of ownership. Any person who shall reproduce, counterfeit, copy, or colorably imitate any trade-mark registered under this act and affix the same to merchandise of substantially the same descriptive properties as those described in the registration shall be liable to an action on the case for damages for the wrongful use of said trade-mark at the suit of the owner thereof; and the party aggrieved shall also have his remedy according to the course of equity to enjoin the wrongful use of such trade-mark used in foreign commerce or commerce with Indian tribes, as aforesaid, and to recover compensation therefor in any court having jurisdiction over the person guilty of such wrongful act; and courts of

the United States shall have original and appellate jurisdiction in such cases without regard to the amount in controversy.

SEC. 8. That no action or suit shall be maintained under the provisions of this act in any case when the trade-mark is used in any unlawful business or upon any article injurious in itself, or which mark has been used with the design of deceiving the public in the purchase of merchandise, or under any certificate of registry fraudulently obtained.

SEC. 9. That any person who shall procure the registry of a trade-mark, or of himself as the owner of a trade-mark, or an entry respecting a trade-mark, in the office of the Commissioner of Patents, by a false or fraudulent representation or declaration, orally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence thereof to the injured party, to be recovered in an action on the case.

SEC. 10. That nothing in this act shall prevent, lessen, impeach, or avoid any remedy at law or in equity which any party aggrieved by any wrongful use of any trade-mark might have had if the provisions of this act had not been passed.

SEC. 11. That nothing in this act shall be construed as unfavorably affecting a claim to a trade-mark after the term of registration shall have expired; nor to give cognizance to any court of the United States in an action or suit between citizens of the same State, unless the trade-mark in controversy is used on goods intended to be transported to a foreign country, or in lawful commercial intercourse with an Indian tribe.

SEC. 12. That the Commissioner of Patents is authorized to make rules and regulations and prescribe forms for the transfer of the right to use trade-marks and for recording such transfers in his office.

SEC. 13. That citizens and residents of this country wishing the protection of trade-marks in any foreign country, the laws of which require registration here as a condition precedent to getting such protection there, may register their trade-marks for that purpose as is above allowed to foreigners, and have certificate thereof from the Patent Office.

Approved, March 3, 1881.

AN ACT Relating to the registration of trade-marks.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That nothing contained in the law entitled "An act to authorize the registration of trade-marks and protect the same," approved March third, eighteen hundred and eighty-one, shall prevent the registry of any lawful trade-mark rightfully used by the applicant in foreign commerce or commerce with Indian tribes at the time of the passage of said act.

Approved, August 5, 1882.

CIRCULAR.

TRADE-MARKS.

[1897. Department Circular No. 116. Division of Customs.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., August 3, 1897.

To Officers of the Customs and Others:

The attention of officers of the customs and others is invited to the following provision of section 11 of the act of July 24, 1897:

"SECTION 11. That no article of imported merchandise which shall copy or simulate the name or trade mark of any domestic manufacture or manufacturer, or which shall bear a name or mark which is calculated to induce the public to believe that the article is manufactured in the United States, shall be admitted to entry at any custom-house of the United States. And in order to aid the officers of the customs in enforcing this prohibition, any domestic manufacturer who has adopted trade-marks may require his name and residence and a description of his trade-marks to be recorded in books which shall be kept for that purpose in the Department of the Treasury, under such regulations as the Secretary of the Treasury shall prescribe, and may furnish to the Department facsimiles of such trade-marks; and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of the customs."

Applications for the recording of names or trade-marks in this Department will state the name and residence of the domestic manufacturer, and furnish a description of the mark and the names of the ports to which the facsimiles should be sent. No such name or trade-mark will be received unless accompanied by the proper proof of ownership and proof that the owner is a domestic manufacturer, which must consist of the affidavit of the owner or one of the owners, certified by a notary public, or other officer entitled to administer oaths, and having a seal.

On the receipt by a customs officer of any such facsimiles, with information from the Department that they have been recorded therein, he will properly record and file them, and will exercise care to prevent the entry at the custom-house of any article of foreign manufacture copying or simulating such mark.

No fees are charged for recording trade-marks in the Department and custom-houses.

A sufficient number of facsimiles should be forwarded to enable the Department to send one copy to each port named in the application with ten additional copies for the files of the Department.

Especial attention is invited to the provision in said section prohibiting the entry of articles "which shall bear a name or mark which is calculated to induce the public to believe that the article is manufactured in the United States," and collectors and other officers of the customs are instructed to use due diligence to prevent violations of this provision.

W. B. HOWELL,
Assistant Secretary.

LIST OF TRADE-MARK LAWS OF FOREIGN NATIONS.

The trade-mark laws of the following countries have been published in the Official Gazette:

Country.	Vol- ume.	Page.	Date.
Argentine Republic.....	42	333	Jan. 24, 1888
Austria-Hungary	52	1539	Sept. 2, 1890
Do	59	1611	June 14, 1892
Bulgaria	65	137	Oct. 3, 1893
Brazil	45	235	Oct. 9, 1888
Denmark	54	1419	Mar. 10, 1891
Germany	31	1447	June 23, 1885
Do	71	145	Apr. 2, 1895
Greece.....	69	126	Oct. 2, 1894
Italy	24	102	July 3, 1883
Japan	48	1402	Sept. 3, 1889
Do	70	1503	Mar. 12, 1895
Mexico	51	809	May 6, 1890
Netherlands	23	1334	Apr. 3, 1883
Do	66	174	Jan. 2, 1894
Do	66	321	Jan. 16, 1894
Portugal	70	279	Jan. 8, 1895
Roumania	55	1653	June 23, 1891
Servia.....	75	1035	May 12, 1896
Switzerland	23	2237	June 5, 1883
Victoria.....	33	501	Oct. 27, 1885

TRADE-MARK TREATIES WITH FOREIGN NATIONS.

The following is a list of the Governments with which conventions for the reciprocal registration and protection of trade-marks have been entered into by the United States, with the dates of the respective conventions. For the full text of those which have been published in the Official Gazette reference is made thereto; for others, to the volume and page of United States Statutes at Large. The laws of Switzerland and the Netherlands being so framed as to afford reciprocal privileges to the citizens or subjects of any government which affords similar privileges to the people of those countries, the mere exchange of diplomatic notes, giving notice of the fact, accomplishes all the purposes of a formal convention:

Country.	Date.	Reference.
Austria-Hungary	June 1, 1872	Stat., 17, p. 917
Belgium	July 30, 1869	Stat., 16, p. 765
Do.....	July 9, 1884	O. G., 29, p. 452
Brazil	Sept. 24, 1878	Stat., 21, p. 659
Denmark	Oct. 12, 1892	O. G., 61, p. 571
France.....	Apr. 16, 1869	Stat., 16, p. 771
German Empire.....	June 1, 1872	Stat., 17, p. 921
Great Britain	July 17, 1878	O. G., 14, p. 233
Italy	Mar. 19, 1884	O. G., 27, p. 304
Japan	Mar. 9, 1897	O. G., 83, p. 598
Netherlands	Feb. 16, 1883	O. G., 23, p. 1334
Russia.....	June 27, 1868	Stat., 16, p. 725
Servia	Dec. 27, 1882	Stat., 22, p. 966
Spain.....	Apr. 19, 1883	O. G., 25, p. 98
Switzerland.....	May 16, 1883	O. G., 23, p. 2237

The declaration with Great Britain is drawn so as to confer mutual trade-mark rights upon the subjects and citizens of each of the contracting parties throughout the dominions and possessions of the other. Citizens or residents of British colonies are therefore permitted to register their trade-marks under this treaty whenever it is satisfactorily shown that in the respective colonies similar protection is afforded to citizens of the United States.

RULES GOVERNING THE REGISTRATION OF TRADE-MARKS UNDER THE ACT APPROVED MARCH 3, 1881.

UNITED STATES PATENT OFFICE,
Washington, D. C., November 1, 1898.

The following rules, designed to be in strict accordance with the provisions of the act approved March 3, 1881, for the registration of trade-marks, are published for gratuitous distribution.

Applicants for registration and their attorneys are advised that their business will be facilitated by the observance of the forms on pages 19-22.

C. H. DUELL,
Commissioner of Patents.

CORRESPONDENCE.

1. All business with the office should be transacted in writing. Unless by the consent of all parties, the action of the office will be based exclusively on the written record. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

2. Applicants and attorneys will be required to conduct their business with the office with decorum and courtesy. Papers presented in violation of this requirement will be returned. But all such papers will first be submitted to the Commissioner, and only returned by his direct order.

3. All letters should be addressed to "The Commissioner of Patents;" and all remittances by postal order, check, or draft should be to his order.

4. A separate letter should in every case be written in relation to each distinct subject of inquiry or application. A complaint against the examiner of trade-marks, assignments for record, fees, and orders for copies or abstracts must be sent to the office in separate letters.

5. Letters relating to pending applications should refer to the name of the applicant and date of filing. Letters relating to registered trade-marks should refer to the name of registrant, number or date of certificate, and the class of merchandise to which the trade-mark is applied.

6. The personal attendance of applicants at the Patent Office is unnecessary. Their business can be transacted by correspondence.

7. When an attorney shall have filed his power of attorney duly executed, the correspondence will be held with him.

8. A double correspondence with an applicant and his attorney, or with two attorneys, cannot generally be allowed.

9. The office cannot undertake to respond to inquiries propounded with a view to ascertain whether certain trade-marks have been registered, or, if so, to whom, or for what goods; nor can it give advice as to the nature and extent of the protection afforded by the law, or act as its expounder, except as questions may arise upon applications regularly filed. A copy of these rules with this paragraph marked is intended to be a courteous answer to all such inquiries.

10. Express charges, freight, postage, and all other charges on matter sent to the Patent Office must be prepaid in full; otherwise it will not be received.

ATTORNEYS.

11. An applicant may prosecute his own case, but he is advised, unless familiar with such matters, to employ a competent attorney. The office cannot aid in the selection of any attorney. An applicant may be represented by any person who is registered under the provisions of Rule 17 of the Rules of Practice of the Patent Office to prosecute applications for patents.

12. Before any attorney, original or associate, will be allowed to inspect papers or take action of any kind, his power of attorney must be filed. But general powers given by a principal to an associate cannot be considered. In each application the written authorization must be filed. A power of attorney purporting to have been given to a firm or copartnership will not be recognized, either in favor of the firm or of any of its members, unless all its members shall be named in such power of attorney.

13. No power of attorney, either original or associate, will be recognized unless it has revenue stamps to the value of 25 cents affixed thereto and canceled as provided for by the "Act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898.

14. Substitution or association can be made by an attorney upon the written authorization of his principal; but such authorization will not empower the second attorney to appoint a third.

15. Powers of attorney may be revoked at any stage in the proceedings of a case upon application to and approval by the Commissioner; and when so revoked the office will communicate directly with the applicant, or such other attorney as he may appoint. An attorney will be promptly notified by the docket clerk of the revocation of his power of attorney.

16. For gross misconduct the Commissioner may refuse to recognize any person as an attorney, either generally or in any particular case; but the reasons for such refusal will be duly recorded and be subject to the approval of the Secretary of the Interior.

WHO MAY REGISTER A TRADE-MARK.

17. A trade-mark may be registered by any person, firm, or corporation domiciled in the United States or located in any foreign country which, by treaty, convention, or law, affords similar privileges to citizens of the United States,* and who is entitled to the exclusive use of any trade-mark and uses the same in commerce with foreign nations or with Indian tribes.

Also, by any citizen or resident of this country wishing the protection of his trade-mark in any foreign country the laws of which require registration in the United States as a condition precedent upon the payment of the fee required by law and other due proceedings had.

18. Owners of trade-marks for which protection has been sought by registering them in the Patent Office under the act of July 8, 1870 (declared unconstitutional by the Supreme Court of the United States, 16 O. G., 999), may register the same for the same goods, without fee. With each application of this character a specific reference to the date and number of the former certificate is required.

19. Applicants whose cases were filed under the act of 1870, either prior to or since the decision of the Supreme Court declaring it unconstitutional, which are now pending before the office, must prepare their applications in conformity with the present law and rules. On the receipt of such an application, referring to the date of the one formerly filed, all fees paid thereon will be duly applied. Those who have paid only \$10 as a first fee are advised that the law does not provide for a division of the legal fee of \$25, and that the remainder of the entire fee is required before the application can be examined.

20. No trade-mark will be registered unless it shall be made to appear that the same is used as such by the applicant in commerce between the United States and some foreign nation or Indian tribe, or is within the provisions of a treaty, convention, or declaration with a foreign power, or which is merely the name of the applicant, or which is identical with a known or registered trade-mark owned by another and appropriated to the same class of merchandise, or which so nearly resembles some other person's lawful trade-mark as to be likely to cause confusion in the mind of the public or to deceive purchasers, or which is merely descriptive in its nature.

THE APPLICATION.

21. An application for the registration of a trade-mark must be made to the Commissioner of Patents and must be signed by the owner of the trade-mark.

22. A complete application comprises:

(a) A brief letter of advice requesting registration, signed by the applicant. (See Form 1 on page 19.)

* For list of the countries having treaties with the United States at this time see page , and for foreign laws see page.

(b) A statement or specification which, in addition to the requirements of section 1 of the statute on page 5, must also discriminate between the essential and non-essential features of the trade-mark, and if the applicant be a corporation it must set forth under the laws of what State or nation incorporated. (See Forms 2, 4, and 6, on pages 19-21.)

(c) A declaration or oath complying with section 2 of the statute on page 5. (See Forms 3, 5, and 7, on pages 19-21.)

(d) A facsimile or drawing of the mark. (See Rules 27 and 28 and Form between pages 21 and 22.)

(e) A fee of twenty-five dollars.

23. The letter of advice, the statement, and the declaration must be in the English language and written on one side of the paper only.

24. Pending applications are preserved in secrecy, and no information will be given without authority of the applicant respecting the filing of an application for the registration of a trade-mark by any person, or the subject-matter thereof, unless it shall, in the opinion of the Commissioner, be necessary to the proper conduct of business before the office.

DECLARATION OR OATH.

25. The declaration or oath may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public of the foreign country in which the applicant may be, who is authorized by the laws of said country to administer oaths, the oath being attested in all cases, in this and other countries, by the proper official seal of the officer before whom the oath or affirmation is made. When the person before whom the oath or affirmation is made is not provided with a seal, his official character shall be established by competent evidence, as by a certificate from a clerk of a court of record or other proper officer having a seal.

26. The declaration cannot be amended. If that filed with the application is faulty or defective, a substitute declaration must be filed.

FACSIMILE OR DRAWING.

27. If for any reason a drawing does not constitute a satisfactory facsimile of the trade-mark, two copies of the trade-mark as actually used must be deposited in addition to the required drawing, to be preserved in the office for reference.

28. (1) The drawing must be made upon pure white paper of a thickness corresponding to three-sheet Bristol board. The surface of the paper must be calendered and smooth. India ink alone must be used, to secure perfectly black and solid lines.

(2) The size of a sheet on which a drawing is made must be exactly 10 by 15 inches. One inch from its edges a single marginal line is to

be drawn, leaving the "sight" precisely 8 by 13 inches. Within this margin all work and signatures must be included. One of the shorter sides of the sheet is regarded as its top, and, measuring downwardly from the marginal line, a space of not less than $1\frac{1}{4}$ inches is to be left blank for the heading of title, name, number, and date. (See specimen of drawing between pages 21 and 22.)

(3) All drawings must be made with the pen only. Every line and letter, signatures included, must be absolutely black. This direction applies to all lines, however fine, and to shading. All lines must be clean, sharp, and solid, and they must not be too fine or crowded. Surface shading, when used, should be open.

(4) The signature of the proprietor of the trade-mark must be placed at the lower right-hand corner of the sheet and the signatures of the witnesses at the lower left-hand corner, all within the marginal line, but in no instance should they encroach upon the drawing.

(5) When the view is longer than the width of the sheet, the sheet should be turned on its side, and the heading will be placed at the right and the signatures at the left, occupying the same space and position as in an upright view, and being horizontal when the sheet is held in an upright position.

(6) Drawings should be rolled for transmission to the office—not folded.

An agent's or attorney's stamp, or advertisement, or written address will not be permitted upon the face of a drawing, within or without the marginal line.

29. The office, at the request of applicants, will furnish the drawings at cost.

EXAMINATION OF APPLICATIONS.

30. All applications for registration are considered in the first instance by the trade-mark examiner. Whenever on examination of an application registration is refused for any reason whatever, the applicant will be notified thereof. The reasons for such rejection will be stated, and such information and references will be given as may be useful in aiding the applicant to judge of the propriety of prosecuting his application.

31. The examination of an application and the action thereon will be directed throughout to the merits; but in each letter the examiner shall state or refer to all his objections.

AMENDMENTS.

32. The statement may be amended to correct informalities or to avoid objections made by the office, or for other reasons arising in the course of examination; but no amendments will be admitted unless warranted by something in the statement or facsimile as originally filed.

33. In every amendment the exact word or words to be stricken out or inserted in the statement must be specified, and the precise point indicated where the erasure or insertion is to be made. (See Form 8,

on page 22.) All such amendments must be on sheets of paper separate from the papers previously filed, and written on but one side of the paper.

Erasures, additions, insertions, or mutilations of the papers and records must not be made by the applicant.

34. When an amendatory clause is amended, it must be wholly rewritten, so that no interlineation or erasure shall appear in the clause, as finally amended, when the application is passed to issue. If the number or nature of the amendments shall render it otherwise difficult to consider the case, or to arrange the papers for printing or copying, the examiner may require the entire statement to be rewritten.

35. Amendments will not be permitted after the notice of allowance of an application, and the examiner will exercise jurisdiction over such an application only by special authority from the Commissioner.

Amendments not affecting the merits may be made after the allowance of an application, if the case has not been printed, on the recommendation of the examiner, approved by the Commissioner, without withdrawing the case from issue.

36. After the completion of the application the office will not return the papers for any purpose whatever. If the applicant has not preserved copies of the papers which he wishes to amend, the office will furnish them on the usual terms.

INTERFERENCES.

37. In case of conflicting applications for registration, or in any dispute as to the right to use which may arise between an applicant and a prior registrant, the office will declare an interference, in order that the parties may have an opportunity to prove priority of use and the proceedings on such interference will follow, as nearly as practicable, the practice in interferences upon applications for patents.

APPEALS OR PETITIONS.

38. From an adverse decision of the examiner of trade-marks upon an applicant's right to register a trade-mark, or upon any interlocutory matter, or from a decision of the examiner of interferences, the case will be reviewed by the Commissioner, on petition or appeal, without fee.

ISSUE, DATE, AND DURATION OF CERTIFICATE.

39. When the requirements of the law and the rules have been complied with, and the office has adjudged a trade-mark lawfully registrable, a certificate will be issued by the Commissioner, under seal of the Interior Department, to the effect that applicant has complied with the law, and that he is entitled to the protection of his trade-mark in

such case made and provided. Attached to the certificate will be a facsimile of the trade-mark and a printed copy of the statement and declaration.

40. Before a trade-mark certificate will be delivered, the applicant must furnish a revenue stamp to the value of 10 cents, to be affixed thereto and canceled as required by the "Act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898.

41. The weekly issue closes on Thursday, and the certificates of registration of that issue bear date as of the third Tuesday thereafter.

42. A certificate of registry shall remain in force for thirty years from its date, except in cases where the trade-mark is claimed for and applied to articles not manufactured in this country, and in which it receives protection under the laws of a foreign country for a shorter period, in which case it shall cease to have any force in this country by virtue of this act at the time that such trade-mark ceases to be exclusive property elsewhere.

At any time during the six months prior to the expiration of the term of thirty years such registration may be renewed on the same terms and for a like period.

ASSIGNMENTS.

43. The right to the use of any trade-mark is assignable by an instrument in writing, and provision is made for recording such instrument in the Patent Office. But no such instrument or conveyance will be recorded unless it is in the English language, and unless an application for the registration of a trade-mark shall have first been filed in the Patent Office, and such instrument must identify the application by serial number and date of filing, or, where the mark has been registered, by its certificate number and the date thereof. No particular form of instrument is prescribed.

COPIES AND PUBLICATIONS.

44. After a trade-mark has been registered printed copies of the statement and declaration in each case, with a facsimile of the trade-mark, can be furnished by the office upon the payment of the fee.

45. An order for a copy of an assignment must give the liber and page of the record, as well as the name of the proprietor; otherwise an extra charge will be made for the time consumed in making any search for such assignment.

46. The Official Gazette of the Patent Office will contain a list of all trade-marks registered, with the name and address of the registrant in each case, an illustration of the trade-mark, a brief statement of its essential features, and the particular description of goods to which it is applied.

FEES.

47. On filing an application for registration of a trade-mark	\$25.00
For abstracts of title:	
For the certificate of search	1.00
For each brief from the digests of assignments	.20
For copies of matter in any foreign language, for every 100 words or fraction thereof	.10
For translation, for every 100 words or fraction thereof	.50
For recording every assignment, agreement, power of attorney, or other paper, of 300 words or less	1.00
For recording every assignment, agreement, power of attorney, or other paper of more than 300 words and less than 1,000 words	2.00
For recording every assignment, agreement, power of attorney, or other paper of more than 1,000 words	3.00
For assistance to attorneys and others in the examination of records, one hour or less	.50
Each additional hour or fraction thereof	.50
For single printed copy of statement, declaration, and fac-simile.	.05
If certified, for the certificate, additional	.25

48. The person ordering any such certificate as specified in Rule 46 must furnish a revenue stamp to the value 10 cents to be affixed to the certificate and canceled as provided for by the "Act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898.

49. Money required for office fees may be paid to the Commissioner, or to the Treasurer, or any of the assistant treasurers of the United States, or to any of the depositaries, national banks, or receivers of public money designated by the Secretary of the Treasury for that purpose, who shall give the depositor a receipt or certificate of deposit therefor, which shall be transmitted to the Patent Office. When this cannot be done without inconvenience, the money may be remitted by mail, and in every such case the letter should state the exact amount inclosed. All money orders should be made payable to the "Commissioner of Patents."

50. All money sent by mail, either to or from the Patent Office, will be at the risk of the sender. All payments to the office must be made in specie, Treasury notes, national-bank notes, certificates of deposit, post-office money orders, postal notes, or certified checks.

REPAYMENT OF MONEY.

51. Money paid by actual mistake, such as a payment in excess, or when not required by law, or by neglect or misinformation on the part of the office, will be refunded; but a mere change of purpose after the payment of money, as when a party desires to withdraw his application for the registration of a trade-mark, will not entitle a party to demand such a return.

FORMS.

The following forms illustrate the manner of preparing papers for applications for registration of trade-marks. Applicants will find their business facilitated by following them closely:

(1) LETTER OF ADVICE.

To the Commissioner of Patents:

The undersigned presents herewith a facsimile of his lawful trade-mark, and requests that the same, together with the accompanying statement and declaration, may be registered in the United States Patent Office in accordance with the law in such cases made and provided.

A. B.

Dated ———, 18—.

(2) STATEMENT BY AN INDIVIDUAL.

To all whom it may concern:

Be it known that I, A. B., a citizen [*or subject, as the case may be*] of the ———, residing at ———, ———, and doing business at No. ——— street, in said city, have adopted for my use a trade-mark for molasses, of which the following is a full, clear, and exact description. My trade-mark consists of the word "Dove" and the representation of a dove. These have generally been arranged as shown in the accompanying facsimile, in which the dove is represented as flying, and above it are arranged, on a curved line, the words "The Dove Brand" in plain block letters. The position of the dove may be changed and different styles of letters used, and the words "The" and "Brand" may be omitted, without altering the character of the trade-mark, the essential features of which are the word "Dove" and the representation of a dove. This trade-mark has been continuously used in my business since ———, 18—. The class of merchandise to which this trade-mark is appropriated is groceries, and the particular description of goods comprised in said class upon which I use the said trade-mark is molasses. It is usually displayed on heads of barrels or packages, and on cans containing the goods, by placing thereon a printed label on which the described trade-mark is shown.

A. B.

Witnesses:

C. D.

E. F.

(3) DECLARATION FOR AN INDIVIDUAL.

STATE OF ———, COUNTY OF ———, ss:

A. B., being duly sworn, deposes and says that he is the applicant named in the foregoing statement; that he verily believes that the foregoing statement is true; that he has at this time a right to the use of the trade-mark therein described; that no other person, firm, or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that it is used by him in commerce between the United States and foreign nations or Indian tribes, and particularly with ——— [*here name one or*

more foreign nations or Indian tribes, or both, as the case may be]; and that the description and facsimiles presented for record truly represent the trade-mark sought to be registered.

Sworn and subscribed before me, a ———, this ——— day of ———, 18—. A. B.
[L. S.] G. H.

(4) STATEMENT BY A FIRM.

To all whom it may concern:

Be it known that we, C. D. & Co., a firm domiciled in ———, county of ———, State of ———, and doing business at No. ——— street, in the said city, have adopted for our use a trade-mark for molasses, of which the following is a full, clear, and exact description. Our trade-mark consists of the word "Dove" and the representation of a dove. These have generally been arranged as shown in the accompanying facsimile, in which the dove is represented as flying, and above it are arranged, on a curved line, the words "The Dove Brand" in plain block letters. The position of the dove may be changed and different styles of letters used, and the words "The" and "Brand" may be omitted, without altering the character of the trade-mark, the essential features of which are the word "Dove" and the representation of a dove. This trade-mark has been continuously used in our business since ———, 18—. The class of merchandise to which this trade-mark is appropriated is groceries, and the particular description of goods comprised in said class upon which we use the said trade-mark is molasses. It is usually displayed on heads of barrels or packages, and on cans containing the goods, by placing thereon a printed label on which the described trade-mark is shown.

C. D. & Co.
By C. D.,
A member of the firm.

Witnesses:

E. F.
G. H.

(5) DECLARATION FOR A FIRM.

STATE OF ———, COUNTY OF ———, ss:

C. D., being duly sworn, deposes and says that he is a member of the firm of C. D. & Co., the applicant named in the foregoing statement; that he verily believes that the foregoing statement is true; that the said firm at this time has a right to the use of the trade-mark therein described; that no other person, firm, or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that the trade-mark is used by the said firm in commerce between the United States and foreign nations or Indian tribes, and particularly with ——— [here name one or more foreign nations or Indian tribes, or both, as the case may be]; and that the description and facsimiles presented for record truly represent the trade-mark sought to be registered.

Sworn and subscribed before me, a ———, this ——— day of ———, 18—. C. D.
[L. S.] E. F.

more foreign nations or Indian tribes, or both, as the case may be; and that the description and facsimiles presented for record truly represent the trade-mark sought to be registered.

Sworn and subscribed before me, a _____, this _____ day of _____, 18—.

[L. S.]

A. B.

G. H.

(4) STATEMENT BY A FIRM.

To all whom it may concern:

Be it known that we, C. D. & Co., a firm domiciled in _____, county of _____, State of _____, and doing business at No. _____ street, in the said city, have adopted for our use a trade-mark for molasses, of which the following is a full, clear, and exact description. Our trade-mark consists of the word "Dove" and the representation of a dove. These have generally been arranged as shown in the accompanying facsimile, in which the dove is represented as flying, and above it are arranged, on a curved line, the words "The Dove Brand" in plain block letters. The position of the dove may be changed and different styles of letters used, and the words "The" and "Brand" may be omitted, without altering the character of the trade-mark, the essential features of which are the word "Dove" and the representation of a dove. This trade-mark has been continuously used in our business since _____, 18—. The class of merchandise to which this trade-mark is appropriated is groceries, and the particular description of goods comprised in said class upon which we use the said trade-mark is molasses. It is usually displayed on heads of barrels or packages, and on cans containing the goods, by placing thereon a printed label on which the described trade-mark is shown.

C. D. & Co.

By C. D.,

A member of the firm.

Witnesses:

E. F.

G. H.

(5) DECLARATION FOR A FIRM.

STATE OF _____, COUNTY OF _____, ss:

C. D., being duly sworn, deposes and says that he is a member of the firm of C. D. & Co., the applicant named in the foregoing statement; that he verily believes that the foregoing statement is true; that the said firm at this time has a right to the use of the trade-mark therein described; that no other person, firm, or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that the trade-mark is used by the said firm in commerce between the United States and foreign nations or Indian tribes, and particularly with _____ [*here name one or more foreign nations or Indian tribes, or both, as the case may be*]; and that the description and facsimiles presented for record truly represent the trade-mark sought to be registered.

C. D.

Sworn and subscribed before me, a _____, this _____ day of _____, 18—.

[L. S.]

E. F.

The DOVE BRAND



Witnesses:

W.....*G*.....

R.....*L*.....

Proprietor.

T.....*B*.....

per

G.....*C*.....

Attorney.

(6) STATEMENT BY A CORPORATION.

To all whom it may concern:

Be it known that The E. & F. Company, a corporation duly organized under the laws of the State of ———, and located in the city of ———, county of ———, in said State, and doing business in said city of ———, has adopted for its use a trade-mark for molasses, of which the following is a full, clear, and exact description. The trade-mark consists of the word "Dove" and the representation of a dove. These have generally been arranged as shown in the accompanying facsimile, in which the dove is represented as flying, and above it are arranged, on a curved line, the words "The Dove Brand" in plain block letters. The position of the dove may be changed and different styles of letters used, and the words "The" and "Brand" may be omitted, without altering the character of the trade-mark, the essential features of which are the word "Dove" and the representation of a dove. This trade-mark has been continuously used in the business of the said corporation since ———, 18—. The class of merchandise to which this trade-mark is appropriated is groceries, and the particular description of goods comprised in said class upon which the said trade-mark is used is molasses. It is usually displayed on heads of barrels or packages, and on cans containing the goods, by placing thereon a printed label on which the described trade-mark is shown.

THE E. & F. COMPANY,
By G. H., *Secretary*.

Witnesses:

I. J.
K. L.

(7) DECLARATION FOR A CORPORATION.

STATE OF ———, COUNTY OF ———, ss:

G. H., being duly sworn, deposes and says that he is secretary (*or other officer*) of the corporation The E. & F. Company, the applicant named in the foregoing statement; that he verily believes that the foregoing statement is true; that the said corporation at this time has a right to the use of the trade-mark therein described; that no other person, firm, or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that the trade-mark is used by the said corporation in commerce between the United States and foreign nations or Indian tribes, and particularly with ——— (*here name one or more foreign nations or Indian tribes, or both, as the case may be*), and that the description and facsimiles presented for record truly represent the trade-mark sought to be registered.

G. H., *Secretary* (or other officer.)*

Sworn and subscribed before me, a ———, this ——— day of ———, 18—.

[L. S.]

I. J.

* If the corporation have a seal, it may be used to authenticate the signature of the officer.

(8) AMENDMENT.

To the Commissioner of Patents :

In the matter of my application for the registration of trade-mark for molasses, No. ———, filed ——— ———, 18—, I hereby amend my statement as follows:

Page ———, line ———, cancel the words "The Dove Brand," and insert in place thereof the following: "*Dove*" and the representation of a dove.

Same page, line ———, erase the words "about ten years" and insert since ——— ———, 18—.

A. B.,
By J. K.,
His Attorney.

Dated ———, 18—.

CLASSIFICATION OF REGISTERED TRADE-MARKS.

1. Agricultural implements. (See Titles 41, 73.)
2. Baking powder and yeast.
3. Beverages. (See Title 42.)
4. Blacking and leather dressing. (See Title 12.)
5. Boots, shoes, and lasts. (See Title 57.)
6. Brooms and brushes.
7. Buttons. (See Title 22.)
8. Canned goods. (See Titles 16, 26.)
9. Carpets, etc.
10. Cement, plaster, and bricks.
11. Cigars and cigarettes. (See Title 71.)
12. Cleaning and polishing preparations. (See Title 4.)
13. Coffee and tea.
14. Confectionery.
15. Corsets. (See Title 75.)
16. Cured meats. (See Titles 8, 26, 37.)
17. Cutlery and edge tools. (See Titles 68, 73.)
18. Dairy products.
19. Dentistry.
20. Drugs and Chemicals. (See Titles 44, 53, 72.)
21. Dry goods. (See Titles 22, 69.)
22. Fancy goods. (See Titles 7, 21, 30, 47.)
23. Fertilizers.
24. Fire-arms, ammunition, and explosives.
25. Flour.
26. Food and relishes. (See Titles 8, 16.)
27. Fuel.
28. Games and toys. (See Title 46.)
29. Glassware. (See Titles 32, 55.)
30. Gloves. (See Title 22.)
31. Head-wear.
32. Household articles. (See Titles 29, 35, 55.)
33. Inks. (See Title 65.)
34. Iron, steel, and manufactures. (See Titles 41, 73.)
35. Jewelry and plated ware. (See Titles 32, 70.)
36. Lamps, lanterns, etc. (See Title 29.)

37. Lard and tallow. (See Title 16.)
38. Laundry articles. (See Titles 61, 64.)
39. Leather and saddlery.
40. Locks and hardware. (See Titles 72, 73.)
41. Machines. (See Titles 1, 34, 73.)
42. Malt liquors. (See Title 3.)
43. Matches.
44. Medical compounds. (See Titles 20, 53, 72.)
45. Miscellaneous.
46. Musical instruments. (See Title 28.)
47. Needles and pins. (See Title 22.)
48. Oils and lubricants. (See Title 51.)
49. Optics and measuring instruments. (See Title 73.)
50. Packing. (Machinery.)
51. Paints and painters' supplies. (See Title 48.)
52. Paper and envelopes. (See Title 65.)
53. Poisons for animals. (See Titles 20, 44.)
54. Publications.
55. Receptacles. (See Titles 29, 32.)
56. Rope, cord, and twine. (See Title 59.)
57. Rubber goods. (See Titles 5, 69.)
58. Sewing-machines and attachments. (See Titles 41, 73.)
59. Sewing silk, cotton, and thread. (See Title 56.)
60. Shirts, collars, and cuffs. (See Title 75.)
61. Soap. (See Titles 38, 72.)
62. Spices, mustard, and salt. (See Title 26.)
63. Spirituous liquors. (See Titles 42, 77.)
64. Starch, corn-starch, and products. (See Titles 26, 38.)
65. Stationery miscellany. (See Titles 33, 52.)
66. Stoves and heaters.
67. Sugar, sirup, and molasses.
68. Surgical instruments and appliances. (See Title 17.)
69. Tailoring and clothing. (See Titles 21, 57.)
70. Time-keeping instruments. (See Title 35.)
71. Tobacco and snuff. (See Title 11.)
72. Toilet articles and preparations. (See Titles 20, 61.)
73. Tools and devices.
74. Umbrellas, parasols, and canes.
75. Underwear and furnishings. (See Titles 15, 60.)
76. Vehicles.
77. Wines. (See Titles 3, 42, 63.)

PRINTS AND LABELS.

PRINTS AND LABELS.

STATUTE RELATING TO REGISTRATION OF PRINTS AND LABELS.

Sections 3, 4, and 5 of the act of Congress relating to patents, trademarks, and copyrights, approved June 18, 1874 (18 Statutes at Large, p. 78), are as follows:

SEC. 3. That in the construction of this act the words "engraving, cut, and print" shall be applied only to pictorial illustrations or works connected with the fine arts, and no prints or labels designed to be used for any other articles of manufacture shall be entered under the copyright law, but may be registered in the Patent Office. And the Commissioner of Patents is hereby charged with the supervision and control of the entry or registry of such prints or labels, in conformity with the regulations provided by law as to copyright of prints, except that there shall be paid for recording the title of any print or label, not a trade-mark, six dollars, which shall cover the expense of furnishing a copy of the record, under the seal of the Commissioner of Patents, to the party entering the same.

SEC. 4. That all laws and parts of laws inconsistent with the foregoing provisions be, and the same are hereby, repealed.

SEC. 5. That this act shall take effect on and after the first day of August, eighteen hundred and seventy-four.

INFORMATION TO APPLICANTS FOR REGISTRATION OF PRINTS AND LABELS.

The so-called print and label section of the copyright statute, approved June 18, 1874, is construed to provide for the registration of any print or label without examination as to its novelty.

An adverse decision by the examiner who has charge of the registration of prints and labels upon an applicant's right to have a print or label registered will be reviewed by the Commissioner in person, on petition, without fee.

The word "print," as used in this act, so far as it relates to registration in the Patent Office, is defined as an artistic representation or intellectual production not borne by an article of manufacture or vendible commodity, but in some fashion pertaining thereto—such, for instance, as an advertisement thereof.

The word "label," as used in this act, so far as it relates to registration in the Patent Office, is defined as an artistic representation or intellectual production impressed or stamped directly upon the articles of manufacture, or upon a slip or piece of paper or other material, to be attached in any manner to manufactured articles, or to bottles, boxes, and packages containing them, to indicate the contents of the

package, the name of the manufacturer, or the place of manufacture, the quality of goods, directions for use, etc.

By the words "articles of manufacture" (to which such print or label is applicable by this act), is meant all vendible commodities produced by hand, machinery, or art.

No print or label can be registered unless it properly belongs to an article of commerce and is as above defined.

To entitle the proprietor of any such print or label to register the same in the Patent Office the application for the registration thereof must be made to the Commissioner of Patents, and said application should be signed by the proprietor or his agent. There must also be filed in the Patent Office five copies of the print or label, one of which, when the print or label is registered, shall be certified under the seal of the Commissioner of Patents and returned to the proprietor.

Before a print or label certificate will be delivered the applicant must furnish a revenue stamp to the value of 10 cents, to be affixed thereto and canceled, as required by the "Act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898.

The certificate of such registration will continue in force for twenty-eight years.

The certificate may be continued for a further term of fourteen years upon filing a second application within six months before the expiration of the term of the original certificate, and complying with all other regulations with regard to original applications. Within two months from the date of said renewal, the applicant must cause a copy of the record thereof to be published for four weeks in one or more newspapers printed in the United States.

The fee for registration of a print or label is \$6, to be paid in the same manner as fees for trade-marks.

The attention of persons contemplating the registry of a print or label in the Patent Office is called to the decision of the United States Supreme Court in *Higgins v. Keuffel*, 55 O. G., 1139; 140 U. S., 428; to the decision of the United States Circuit Court in *Marsh et al. v. Warren et al.*, 14 O. G., 678, and to the decisions of the Commissioner of Patents in *ex parte United States Playing Card Company*, 82 O. G., 1209, and *ex parte Mahn*, 82 O. G., 1210.

FORMS.

The application for registration should be made by the proprietor or his agent, and the following are suggested as the proper forms to be used in the preparation of applications for prints and labels when filed by the proprietor. When filed by an agent they should be changed accordingly.

FORMS OF APPLICATIONS FOR REGISTRATION OF PRINTS.

(1) FOR AN INDIVIDUAL.

To the Commissioner of Patents:

The undersigned, A. B., of the city of ———, county of ———, and State of ———, and a citizen of the United States (*or resident therein, as the case may be*), hereby furnishes five copies of a print which has never been published and which is to be used for advertising purposes for ———. The title of said print is ———, and the said print consists of the words and figures as follows, to wit: ——— (*description*).

And he hereby requests that the said print be registered in the Patent Office, in accordance with the act of Congress to that effect approved June 18, 1874.

A. B.,
Proprietor.

Dated ———, 18—.

(2) FOR A FIRM.

To the Commissioner of Patents:

The undersigned, C. D. & Co., a firm domiciled in the city of ———, county of ———, State of ———, and doing business at No. ——— street, in said city, hereby furnish five copies of a print which has never been published and which is to be used for advertising purposes for ———. The title of said print is ———, and the said print consists of the words and figures as follows, to wit: ——— (*description*).

And they hereby request that the said print be registered in the Patent Office, in accordance with the act of Congress to that effect approved June 18, 1874.

C. D. & Co., *Proprietors,*
By C. D., *a member of the firm.*

Dated ———, 18—.

(3) FOR A CORPORATION.

To the Commissioner of Patents:

The applicant, a corporation duly created by authority of the laws of the State of ——— (*or other authority, as the case may be*), and doing business at ———, in said State, hereby furnishes five copies of a print which has never been published and which is to be used for advertising purposes for ———. The title of said print is ———, and the said print consists of the words and figures as follows, to wit: ——— (*description*).

And it is hereby requested that the said print be registered in the Patent Office, in accordance with the act of Congress to that effect approved June 18, 1874.

THE E. F. COMPANY,
By G. H., *President (or other officer).*

Dated ———, 18—.

FORMS OF APPLICATIONS FOR REGISTRATION OF LABELS.

(1) FOR AN INDIVIDUAL.

To the Commissioner of Patents:

The undersigned, A. B., of the city of _____, county of _____, and State of _____, and a citizen of the United States (*or resident therein, as the case may be*), hereby furnishes five copies of a label, which has never been published, and which is to be used on _____, of which he is the sole proprietor. The title of said label is _____, and the said label consists of the words and figures as follows, to wit: _____ (*description*).

And he hereby requests that the said label be registered in the Patent Office, in accordance with the act of Congress to that effect approved June 18, 1874.

A. B., *Proprietor.*

Dated _____, 18—.

(2) FOR A FIRM.

To the Commissioner of Patents:

The undersigned, C. D. & Co., a firm domiciled in the city of _____, county of _____, State of _____, and doing business at No. _____ street, in said city, hereby furnish five copies of a label, which has never been published, and which is to be used on _____, of which they are the sole proprietors. The title of said label is _____, and the said label consists of the words and figures as follows, to wit: _____ (*description*).

And they hereby request that the said label be registered in the Patent Office, in accordance with the act of Congress to that effect approved June 18, 1874.

C. D. & Co., *Proprietors.*
By C. D., *a member of the firm.*

Dated _____, 18—.

(3) FOR A CORPORATION.

To the Commissioner of Patents:

The applicant, a corporation duly created by authority of the laws of the State of _____ (*or other authority, as the case may be*), and doing business at _____, in said State, hereby furnishes five copies of a label, which has never been published, and which is to be used on _____, of which it is the sole proprietor. The title of said label is _____, and the said label consists of the words and figures as follows, to wit: _____ (*description*).

And it is hereby requested that the said label be registered in the Patent Office, in accordance with the act of Congress to that effect approved June 18, 1874.

THE E. F. COMPANY,
By G. H., *President (or other officer).*

Dated _____, 18—.

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